



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

North Coast Region

Ross R. Liscum, Chairman

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Gray Davis
Governor

August 10, 1999

REVISED AGENDA REGIONAL WATER BOARD MEETING

8:30 AM, August 26, 1999
Eureka City Council Chambers
531 K Street
Eureka, California

****** *Estimated times of consideration - Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.*

8:30 AM**

- i. Roll Call and Introductions
- ii. Minutes of Past Meetings
- iii. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities. **We have added additional time after lunch for anyone to address the Board on any Timber issues relating to the Board's responsibilities.** The Chair will determine the number of persons who wish to speak. The Chair requests that each person addressing the Board limit their presentation to three minutes. More lengthy items may be calendared for a future meeting.
- iv. The consent items are expected to be routine and noncontroversial. It is recommended that these items be adopted by the Board at the beginning of the meeting without discussion. If any interested party, Board Member, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately.
- v. Winston H. Hickox, Secretary of the California Environmental Protection may be joining us sometime during the day.

California Environmental Protection Agency

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CONSENT CALENDAR

- A. **The Pacific Lumber Company - Scotia Mill**, Scotia, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0006017, WDID No. 1B83104OHUM *Richard Azevedo*
- B. **John Porter and John McDonald dba Benbow Valley Investments**, Garberville, Humboldt County, New Waste Discharge Requirements, WDID No. 1B87037ONHU *Richard Azevedo*
- C. **Sonoma County Transportation and Public Works, Warm Springs Creek Bridge** at Rockpile Road, Bridge No. 20c-0438, Seismic Retrofit Project *Scott Gergus*
- D. **Tulelake Wastewater Treatment Facility**, Siskiyou County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0023272, WDID No. 1A84002SIS *Manuel Baldenegro*

CORRECTIVE ACTION

1. **PUBIC HEARING** to consider Recision of a Cleanup and Abatement Order for Melvin G. Wright, Patricia R. Wright, Raymond A. Luzzi and Bill Durbin for the property located at the former **Broadway Maxi Mart**, 1209 Broadway, Eureka, Humboldt County *Tom Dunbar*
2. **PUBLIC HEARING** to consider rescinding Cease and Desist Order for **Trinity River Lumber Company** for the mill located in Weaverville, Trinity County. NPDES permit No. CA0024546 *Manuel Baldenegro*

3. EXECUTIVE OFFICER'S REPORT

- a. Status Report on the Eureka Waterfront Cleanups *Lisa Jenkins*
- b. Reorganization Update *Craig Johnson*
- c. Y2K Update *Bob Tancreto*
- d. Standard NPDES Language *Bob Tancreto*
- e. Report on the Status of Underground Storage Tank Issues and MtBE *Tom Dunbar*
- f. A written update by Bureau of Land Management
On Headwaters Forest *Lynda Roush,*
Headwaters Forest Reserve Manager

OTHER BUSINESS

4. 5 County Coho Initiative *Mark Lancaster*
(Trinity County)
5. Trinity River Diversion *Tom Stokely*
(Trinity County)

11:30 a.m. – 1:30 p.m. Lunch Break

A quorum of the members of the Regional Water Board will recess for lunch at this time; however, no business will be discussed.

1:30 p.m.

Public Forum - Time will be reserved for the general public to address the Board on any Timber issues relating to the Board's responsibilities. The Chair will determine the number of persons who wish to speak. The Chair requests that each person addressing the Board limit their presentation to three minutes. More lengthy items may be calendared for a future meeting.

OTHER BUSINESS (continued)

6. Report of Review of Recommended Forest Practice Rules Modification
Frank Reichmuth
7. Update on Timber Harvesting in Freshwater Creek and North Fork Elk River Watershed
Frank Reichmuth
8. Pacific Lumber Company
(Habitat Conservation Plan) *John Campbell*
9. Board of Forestry, Process and Procedures *Chris Rowney*
10. Timber Harvest Plan Process *Department of Forestry*
11. Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations requires public notice for certain corrective actions related to releases from underground tanks.

This section satisfies the public notice requirements and is in addition to any notice for corrective actions given elsewhere in this agenda.

The following sites have completed Corrective Action and no further corrective action is required [pursuant to Section 2728(d)(2)]. Those Responsible Parties who are claimants to the petroleum underground tank cleanup fund are identified by a "+":

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|------------------|---|---------|
| Siskiyou County | | |
| + | Susan B. Anthony Property, 519 Fourth Street, Yreka, California | 1TSI140 |
| Sonoma County | | |
| + | Redwood Oil, Former, 130 West Third Street, Santa Rosa, California | 1TSR014 |
| | California Highway Patrol, 6100 Labath Avenue, Rohnert Park, California | 1TSO360 |
| + | Robert Gong, 1369 Kowell Lane, Santa Rosa, California | 1TSR066 |
| Del Norte County | | |
| | GTE Klamath Office, 16846 Highway 101, North, Klamath, California | 1TDN102 |



12. Leaking Underground Storage Tanks/Sewage Spills
13. Proposition 65 Notifications
14. State and Regional Water Board Communications
15. Public Notice of Pending Requests for Water Quality Certification (Clean Water Act Section 401).

The Regional Water Board processes requests for certification, pursuant to Section 401 of the Clean Water Act, that a proposed federally permitted construction activity will comply with the Board's water quality standards. A listing of requests, which are pending Regional Water Board action, includes the following:

- i. The USDA U.S. Forest Service, Klamath National Forest Goosenest Ranger District proposes levee construction for the Orr Lake Wetland Restoration Project, located near the community of Bray. The project will include constructing 5800 feet of dike, and three water control structures (two existing and one new). The project objective is to replace existing diversion and irrigation system, provide better control over diversions to maintain water quality and quantity in Butte Creek, and improve 300 acres of seasonal wetlands.

The new levee will have a 12 feet top width, 5 to 1 side slopes and a variable height of 2 feet to 4 feet. The levee embankment will require 4,608 cu.yds. of fill with a surface area of 4.7 acres. No impacts to waterways, wildlife or critical habitat from the proposed construction activity are anticipated. Construction is schedule to begin during the summer and fall of year 2000.

The request was submitted on May 28, 1999. Staff proposes to waive prescription of waste discharge requirements pursuant to Resolution No. 87-113 after a 15-day comment period that ends on August 21, 1999. (Manuel G. Baldenegro)

- ii. California Department of Transportation, North Region proposes roadway repair of a slide area along a 6-foot-wide ephemeral drainage (China Creek) and State Route 96 PM 47.5/47.6, located near the community of Happy Camp. The project will include reconstructing portions of the fill, base, pavement for 300 feet, installing a deep underdrain (5meters) parallel to the roadway, and placing a culvert across the highway. Repair work will temporarily disturb the ephemeral drainage and be conducted during the dry season. This disturbance (250 square meters) of minor vegetation removal and slide failure is well removed from the Klamath River. Caltrans will implement avoidance measures and construction conditions to prevent impacts to waterways, wildlife or critical habitat from the proposed construction activity. Construction is schedule to begin during the summer of 1999 and be completed in 4 to 5 working days.

A Streambed Alteration Agreement has been obtained for the project from the California Department of Fish and Game. The request was submitted on May 27, 1999. Staff has determined that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14, CCR, Section 15301 as an existing facility. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in Resolution No. 87-113 after a 15-day comment period, which ends on August 25, 1999. (Manuel G. Baldenegro)



- iii. California Department of Transportation, North Region proposes roadway repair of a washout on State Route 96 PM 90.9, located near the community of Gottville. The project will include the placement of 2,954 cubic meters of rock slope protection (RSP) below the Klamath River ordinary high-water mark. Total surface area to be covered under the high-water mark is 930 square meters (10,000-sq. ft.) This disturbance will result in minor vegetation removal and involve minimal instream work during low-flow period. Caltrans will implement avoidance measures and construction conditions to prevent impacts to waterways, wildlife or critical habitat from the proposed construction activity. Construction is schedule to begin during the summer and winter of 1999 - 2000 and be completed in ten calendar working days.

A Streambed Alteration Agreement has been obtained for the project from the California Department of Fish and Game. The request was submitted on May 27, 1999. Staff has determined that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14, CCR, Section 15301 as an existing facility. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in Resolution No. 87-113 after a 15-day comment period, which ends on August 25, 1999. (Manuel G. Baldenegro)

A fact sheet about a specific project and information about certification and opportunity for public comment may be obtained by calling the Regional Water Board office at (707) 576-2220 and asking for the specific staff person assigned to the project. (The name of the staff person is in parenthesis at the end of each descriptive paragraph.)

16. Closed Session. On August 26, 1999, the Regional Water Board will be meeting in closed session to discuss Significant Exposure to Litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
17. Closed Session. On August 26, 1999, the Regional Water Board will be meeting in closed session to discuss Whether to Initiate Litigation. [Authority: Government Code Section 11126(e)(2)(C)(i).]
18. Closed Session. On August 26, 1999, the Regional Water Board will be meeting in closed session to discuss ongoing litigation [Authority: Government Code Section 11126(e)(2)(A)].
19. Closed Session. On August 26, 1999, the Regional Water Board will be meeting in closed session to discuss an Employee Evaluation. [Authority: Government Code Section 11126(a)(1).]

Anyone requiring reasonable accommodation to participate in the meeting should contact Ms. Jean Spath, Executive Assistant at (707) 576-2220 at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Written comments should be submitted to ensure they will be included in the record before the Board. Oral testimony should be limited to brief summaries of written testimony. Please note



time limitations will be imposed on presentations and limited to five minutes unless otherwise determined by the Board Chair.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code Section 11500 et seq.

A quorum of the members of the Regional Water Board may recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Board files pertaining to the items on this agenda are hereby made a part of the record submitted to the Regional Water Board by staff for its consideration prior to action on the related items.

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit being considered by the Regional Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to any Regional Water Board Member. This requirement applies to contributions of \$250 or more made by the active supporter or opponent or his/her agent for use in federal, state or local elections within the last 12 months.

Also, all permit applicants and/or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES Permit pending before the Regional Water Board are prohibited from making a contribution of \$250 or more to any Board Member for three months following a Regional Water Board decision on the permit application.

Any person affected adversely by a decision of the Regional Water Board may petition the State Water Resources Control Board (State Water Board), to review the decision. The petition must be received by the State Water Board within 30 days of the Regional Water Board's meeting at which the action was taken. Copies of the laws and regulations applicable to filing a petition will be provided upon request.

The next Regional Water Board meeting will be held on September 23, 1999 in Santa Rosa, California.



California Regional Water Quality Control Board
North Coast Region

Board Members

Ross R. Liscum, Chair, Santa Rosa
William A. Hoy, Weed
James Mitchell, Santa Rosa
Stan Plowman, Trinity Center
Bev Wasson, Rio Nido

Staff

Lee A. Michlin, Executive Officer
Craig R. Johnson, Assistant Executive Officer, Ombudsman
Jean M. Spath, Executive Assistant
Philip G. Wyels, Legal Counsel

Watershed Protection Division

Robert L. Tancreto, Supervising Water Resource Control Engineer
Robert R. Klamt, Senior Land and Water Use Analyst (Russian 1)
John Short, Senior Water Resource Control (Russian 2)
David S. Evans, Senior Water Resource Control Engineer (N. Coast)
John R. Hannum, Senior Water Resource Control Engineer (Northern Watershed)

Timber Harvest Division

Frank C. Reichmuth, Supervising Water Resource Control Engineer
Christine Wright-Shacklett, Senior Engineering Geologist (N. Coast)
Nathan P. Quarles, Senior Water Resource Control Engineer (Humboldt, Eel)
Fred Blatt, Environmental Specialist IV (Klamth, Trinity)
Rangit Gill, Environmental Specialist IV (Headwaters)

Cleanup and Investigation Division

Susan A. Warner, Supervising Water Resource Control Engineer
Thomas B. Dunbar, Senior Water Resource Control Engineer (Santa Rosa)
Tuck Vath, Senior Engineering Geologist (Northern WS)
Chris Igbinedion, Senior Water Resource Control Engineer (Central WS)
Kathleen Daly, Regional Administrative Officer (Administration)



Bill of Rights for Environmental Permit Applicants

The California Environmental Protection Agency (Cal/EPA) endorses the following precepts that form the basis of a permit applicant's "Bill of Rights":

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government Code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and in some cases a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under lead agency. For site remediation, all applicable laws can be administered through a single lead agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

For further information you may contact the North Coast Regional Water Quality Control Board at (707) 576-2220.